

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

July 2013

STAFF:

NATALIE HAYNES, LEGISLATIVE ANALYST
HENRY FOUTS, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. JOHN L. PATRICK, CHAIR
SEN. JOHN J. CLEVELAND
SEN. ANDRE E. CUSHING, III

REP. ERIN D. HERBIG, CHAIR
REP. PAUL E. GILBERT
REP. SCOTT M. HAMANN
REP. ANDREW T. MASON
REP. ANNE-MARIE MASTRACCIO
REP. AMY F. VOLK
REP. BRIAN M. DUPREY
REP. LAWRENCE E. LOCKMAN
REP. ELLEN A. WINCHENBACH
REP. JAMES J. CAMPBELL, SR.

STATE OF MAINE

126TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1221 An Act To Preserve the Dynamic Status Quo Pending Expiration of Collective Bargaining Agreements

ONTP

Sponsor(s)

CAIN
HERBIG

Committee Report

ONTP

Amendments Adopted

This bill amends the municipal public employees labor relations laws, the state employees labor relations laws, the University of Maine System labor relations laws and the judicial employees labor relations laws to specify that the provision, either as practice or part of the most recent collective bargaining agreement, of increases in pay or benefits, based on length of service or merit, must be continued during negotiations of a new agreement by virtue of the doctrine of dynamic status quo.

LD 1230 An Act To Improve Access to Oral Health Care

CARRIED OVER

Sponsor(s)

EVES
BURNS

Committee Report

OTP-AM
OTP-AM

Amendments Adopted

This bill establishes a licensure process and scope of practice for dental hygiene therapists. It requires the dental hygiene therapist to be supervised by a dentist licensed in this State. It requires a written practice agreement between the supervising dentist and the dental hygiene therapist. It provides rulemaking authority for the Board of Dental Examiners.

Committee Amendment "A" (H-531)

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by dental hygiene therapists authorized to practice under the provisions of the bill.
2. It limits the time frame for a provisional dental hygiene therapy license to 3 years.
3. It increases the number of supervised clinical practice hours required in order to obtain a dental hygiene therapy license from 500 to 1,000.
4. It adds language to allow for the provisions regarding dental coverage and reimbursement to be enacted without review by the Department of Professional and Financial Regulation, Bureau of Insurance.
5. It adds an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2014 in this State.
6. It makes changes to the sections of the bill relating to scope of practice of dental hygiene therapists by removing minor surgical care, replacing the authority to prescribe medication with authority to provide, dispense and administer certain medications within the parameters of the written practice agreement and adding the authority to perform nonsurgical extractions of diseased permanent teeth if authorized in advance by the supervising dentist.

Committee Amendment "B" (H-532)

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This amendment is the minority report of the committee. It replaces the bill and broadens the scope of practice for dental hygienists with public health supervision status and independent practice dental hygienists who have successfully completed additional training established by the Department of Professional and Financial Regulation, Board of Dental Examiners to include the performance of atraumatic restorative technique. It defines "atraumatic restorative technique" to mean a procedure to identify and remove tooth decay using a simple hand tool alone and restore the cavity with an adhesive restorative material. It also changes the designation of expanded function dental assistants to "expanded function dental auxiliary" and broadens their scope of practice, which currently includes the performance of reversible intraoral procedures, to include the cementation of permanent crowns and onlays, the administering of final impressions and the performance of digital imaging under the direct supervision of a licensed dentist.

This bill was recommitted to the committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1238 *An Act To Improve Professional Training for Licensed Mental Health Clinicians*

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM	S-254

This bill makes changes to the laws governing the licensure requirements for psychologists, clinical professional counselors and clinical social workers. It requires that, beginning January 1, 2020, applicants for licensure demonstrate to the satisfaction of their respective licensing boards that they have successfully completed a minimum of 15 contact hours of course work in spousal or partner abuse screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. Applicants may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work. The bill requires that the boards accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum.

The bill also makes changes to the licensure renewal requirements for psychologists, clinical professional counselors and clinical social workers to require that, beginning January 1, 2020, applicants for licensure renewal in these categories demonstrate to the satisfaction of their respective licensing boards successful completion of a minimum of 15 contact hours of course work in spousal or partner abuse screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The bill allows the boards to accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. The bill requires that continuing education courses taken for this purpose must be applied to the licensee's required hours of continuing education.

Committee Amendment "A" (S-254)

This amendment changes the description of the course work that must be completed by mental health clinicians from spousal or partner abuse screening and referral strategies to family or intimate partner violence screening and referral and intervention strategies and changes the licensure requirements and license renewal requirements for psychologists, clinical professional counselors and clinical social workers by reducing the number of contact hours of course work that must be completed in family or intimate partner violence that address screening, referral and intervention strategies. It also adds a provision to allow an applicant for initial licensure that is unable to demonstrate completion of the family or intimate partner violence course work at the time the initial application is submitted to demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal. It also clarifies that the course work requirements that must be demonstrated at the time of license renewal are to be completed only once.